PTO/SB/08A (08-03)

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					Complete if Known		
Substi	tute fo	or form 1449	/PTO		Application Number	10/658,507	
PRINC	ORM	IATION I	DISC	LOSURE	Filing Date	09/09/2003	
SŤĄ	STATEMENT BY APPLICANT  See as many sheets as necessary)				First Named Inventor	Reiley	
200 F					Art Unit	3738	
4115 6					Examiner Name	Isabella	
Street	t	1	of	4	Attorney Docket Number	29914.701.411	

Examiner	Cite	Document Number	Publication Date	Name of Patentee or	Pages, Columns, Lines, Where
Initials*	Ño.¹	Number-Kind Code <sup>2</sup> (if known)	MM-DD-YYYY	Applicant of Cited Document	Relevant Passages or Relevant Figures Appear
DI		US-2004/0059429	03/25/2004	Amin et al.	
Ī		US-2005/0049705	03/03/2005	Hale et al.	
		US-3,867,728	02/25/1975	Stubstad et al.	
		US-3,875,595	04/08/1975	Froning .	
		US-4,349,921	09/21/1982	Kuntz	
		US-4,759,769	07/26/1988	Hedman et al.	
		US-4,772,287	09/20/1988	Ray et al.	<del> </del>
		US-4,863,477	09/05/1989	Monson	
		US-4,904,260	02/27/1990	Ray et al.	
		US-4,911,718	03/27/1990	Lee et al.	
		US-5,047,055	09/10/1991	Bao et al.	
		US-5,071,437	12/10/1991	Steffee	
		US-5,147,404	09/15/1992	Downey	· · · · · · · · · · · · · · · · · · ·
		US-5,171,280	12/15/1992	Baumgartner	
		US-5,192,326	03/09/1993	Bao et al.	,
		US-5,306,308	04/26/1994	Gross et al.	
		US-5,306,309	04/26/1994	Wagner et al.	
		US-5,370,697	12/06/1994	Baumgartner	
		US-5,401,269	03/28/1995	Buttner-Janz et al.	
1		US-5,437,672	08/01/1995	Alleyne	
		US-5,458,642	10/17/1995	Beer et al.	
		US-5,458,643	10/17/1995	Oka et al.	
		US-5,514,180	05/07/1996	Heggeness et al.	
1		US-5,534,028	07/09/1996	Bao et al.	
DI		US-5,534,030	07/09/1996	Navarro et al.	

Examiner	/>- ' 1 - 1 11 /	Date	
Signature	/David Isabella/	Considered	07/27/2006

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				Complete if Known		
Substitute for form 1449/PTO				Application Number	10/658,507	
INFORMATION DISCLOSURE				Filing Date	09/09/2003	
STATE	STATEMENT BY APPLICANT			First Named Inventor	Reiley	
(Use a	s many shee	ts as ne	cessary)	Art Unit	3738	
				Examiner Name	Isabella	
Sheet	2	of	4	Attorney Docket Number	29914.701.411	

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant
		Number-Kind Code <sup>2</sup> (if known) US-5,545,229	08/13/1996	Parsons et al.	Figures Appear
DI					
<b>.</b>		US-5,556,431	09/17/1996	Buttner-Janz	
		US-5,571,189	11/05/1996	Kuslich	
		US-5,645,597	07/08/1997	Krapiva	
		US-5,653,762	08/05/1997	Pisharodi	
		US-5,674,295	10/07/1997	Ray et al.	
		US-5,674,296	10/07/1997	Bryan et al.	
		US-5,676,701	10/14/1997	Yuan et al.	
		US-5,683,464	11/04/1997	Wagner et al.	
		US-5,702,450	12/30/1997	Bisserie	
		US-5,716,415	02/10/1998	Steffee	<del></del>
1		US-5,824,093	10/20/1998	Ray et al.	
	<del>.</del> .	US-5,824,094	10/20/1998	Serhan et al.	
		US-5,865,846	02/02/1999	Bryan et al.	
		US-5,868,745	02/09/1999	Alleyne	· · · · · · · · · · · · · · · · · · ·
		US-5,893,889	04/13/1999	Harrington	
1		US-6,001,130	12/14/1999	Bryan et al.	
		US-6,014,588	01/11/2000	Fitz	
1		US-6,019,792	02/01/2000	Cauthen	
		US-6,039,763	03/21/2000	Shelokov	
		US-6,063,121	05/16/2000	Xavier et al.	<del></del>
		US-6,066,325	05/23/2000	Wallace et al.	
		US-6,080,157	06/27/2000	Cathro et al.	
<del>-t</del>		US-6,113,637	09/05/2000	Gill et al.	
DI		US-6,132,465	10/17/2000	Ray et al.	

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/David Isabella/

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				Complete if Known		
Substitute for form 1449/PTO				Application Number	10/658,507	
INFORMATION DISCLOSURE				Filing Date	09/09/2003	
			LICANT	First Named Inventor	Reiley	
(Use a	s many shee	ts as ne	cessary)	Art Unit	3738	
	·			Examiner Name	Isabella	
Sheet	3	of	4	Attorney Docket Number	29914.701.411	

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document  Country Code' - Number' - Kind Code' (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	1 <sub>e</sub>
DI		DE 10135771 A1	02/20/2003	Aesculap AG & Co.		X
1		JP 10179622 A2	07/07/1998	Mizuho Ika Kogyo KK	<u> </u>	X
		WO 98/48717 A1	11/05/1998 Taylor, Jean			X
		WO 99/23963 A1	05/20/1999	Dimso		x
		WO 00/38582 A1	07/06/2000	Nuvasive, Inc.	<u> </u>	
		WO 01/30248 A1	05/03/2001	Reiley, Mark A.		
		WO 03/101350 A1	12/11/2003	Archus Orthopedics Inc.		
DI		WO 2004/071358 A1	08/26/2004	Archus Orthopedics Inc.		
Examiner		· /David Isabell	a/	Date Considered	07/27/2006	<u> </u>

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			Application Number	10/658,307	
			Filing Date	09/09/2003 Reiley	
			First Named Inventor		
(Use as many sneets as necessary)			Art Unit	3738	
			Examiner Name	Isabella	
4	of	4	Attorney Docket Number	. 29914.701.411	
	MENT I	MENT BY APPL as many sheets as necess	MATION DISCLOSURE MENT BY APPLICANT as many sheets as necessary)  4 of 4	Filing Date  Filing Date  First Named Inventor  Art Unit  Examiner Name	Filing Date 09/09/2003  FINT BY APPLICANT as many sheets as necessary)  First Named Inventor Reiley  Art Unit 3738  Examiner Name Isabella

Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²
	GOH, JC et al., "Influence of PLIF cage size on lumbar spine stability", Spine, (January 2000), 25(1) Medline abstract (one page).	
	HEAD, WC, "Wagner surface replacement arthroplasty of the hip. Analysis of fourteen failures in forty-one hips", <i>J Bone Joint Surg. Am.</i> , (March 1981) 63(3), Medline abstract (one page).	
	KHOO, LT et al., "A biomechanical analysis of the effects of lumbar fusion on the adjacent vertebral motion segment", Proceedings of the 2000 Annual Meeting of the North American Spine Society, New Orleans.	
	KOTANI, Y. et al., "The effects of spinal fixation and destabilization on the biomechanical and histologic properties of spinal ligaments. An in vivo study.", Spine, (March 15, 1998) 23(6), Medline abstract (2 pages).	
	LEMAIRE, JP et al., "Intervertebral disc prosthesis: results and prospects for the year 2000", Clinical Orthopaedics and Related Research, No. 337, pp. 64-76.	
	NAGATA, H. et al., "The effects of immobilization of long segments of the spine on the adjacent and distal facet force and lumbrosacral motion", <i>Spine</i> , (December 1993), 18(16):2471-2479, (9 pages).	
	NIBU, K. et al., "Multidirectional stabilizing potential of BAK interbody spinal fusion system for anterior surgery [see comments]", <i>J Spinal Discord</i> , (August 1997), 10(4), Medline abstract (one page).	
	TSANTRIZOS, A. et al., "Segmental stability and compressive strength of posterior lumbar interbody fusion implants", <i>Spine</i> , (August 1, 2000) 25(15), Medline abstract (one page).	
		item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.  GOH, JC et al., "Influence of PLIF cage size on lumbar spine stability", Spine, (January 2000), 25(1) Medline abstract (one page).  HEAD, WC, "Wagner surface replacement arthroplasty of the hip. Analysis of fourteen failures in forty-one hips", J Bone Joint Surg. Am., (March 1981) 63(3), Medline abstract (one page).  KHOO, LT et al., "A biomechanical analysis of the effects of lumbar fusion on the adjacent vertebral motion segment", Proceedings of the 2000 Annual Meeting of the North American Spine Society, New Orleans.  KOTANI, Y. et al., "The effects of spinal fixation and destabilization on the biomechanical and histologic properties of spinal ligaments. An in vivo study.", Spine, (March 15, 1998) 23(6), Medline abstract (2 pages).  LEMAIRE, JP et al., "Intervertebral disc prosthesis: results and prospects for the year 2000", Clinical Orthopaedics and Related Research, No. 337, pp. 64-76.  NAGATA, H. et al., "The effects of immobilization of long segments of the spine on the adjacent and distal facet force and lumbrosacral motion", Spine, (December 1993), 18(16):2471-2479, (9 pages).  NIBU, K. et al., "Multidirectional stabilizing potential of BAK interbody spinal fusion system for anterior surgery [see comments]", J Spinal Discord, (August 1997), 10(4), Medline abstract (one page).  TSANTRIZOS, A. et al., "Segmental stability and compressive strength of posterior lumbar interbody fusion implants", Spine, (August 1, 2000) 25(15), Medline abstract

Examiner signature	/David Isabella/	Date Considered	07/27/2006
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<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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3103405 1.DOC Attorney Docket No. 29914.701.411

Applicant's unique citation designation number (optional). Applicant is to place a check mark here if English language Translation is attached.

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Sheet

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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of

Complete if Known				
Application Number	10/658,507			
Filing Date	September 9, 2003			
First Named Inventor	Mark A. Reiley			
Art Unit	3738			
Examiner Name	David J. Isabella			
Attorney Docket Number	29914-701.411			

U.S. PATENT DOCUMENTS							
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DI		US-6,712,818	03-30-2004	Michelson			
		US-6,648,891	11-18-2003	Kim ·			
		US-6,638,281	10-28-2003	Gorek			
		US-6,632,226	10-14-2003	Chan	•		
		US-6,361,506	03-26-2002	Saenger et al.			
		US-6,302,890	10-16-2001	Leone, Jr.			
		US-6,193,758	02-27-2001	Huebner	· · · · · · · · · · · · · · · · · · ·		
		US-6,193,724	02-27-2001	Chan			
		US-6,120,510	09-19-2000	Albrektsson et al.			
		US-6,053,917	04-25-2000	Sherman et al.	<del></del>		
		US-5,885,286	03-23-1999	Sherman et al.	· ·		
		US-5,700,268	12-23-1997	Bertin			
		US-5,678,317	10-21-1997	Stefanakos			
		US-5,329,933	07-19-1994	Graf			
	-	US-5,314,429	05-24-1994	Goble			
		US-5,303,480	04-19-1994	Chek	<del></del>		
		US-5,070,623	12-10-1991	Barnes			
		US-4,987,904	01-29-1991	Wilson ·			
		US-4,710,075	12-1-1987	Davison			
		US-4,271,836	06-09-1981	Bacal et al.			
		US-4,123,848	11-07-1978	Emmerich et al.			
		US-2,959,861	11-15-1960	Stromquist			
		US-2,930,133	03-29-1960	Thompson			
		US-1,308,451	07-01-1919	Schachat			
DI		US-2003/028250	02-06-2003	Reiley et al.			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document  Country Code <sup>3</sup> - Number <sup>3</sup> - Kind Code <sup>3</sup> (If known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Τ*
DI		WO 2004/103227	12-02-2004	Archus Orthopedics, Inc.		

Examiner Date /David Isabella/ Considered